

**U.S. Army Corps of Engineers - Charleston District**  
**Checklist for 2002 Nationwide Permit Review**  
**Nationwide Permit 38**

**Cleanup of Hazardous and Toxic Waste**  
**(10/404)**

SAC #: \_\_\_\_\_

Applicant Name: \_\_\_\_\_

Waterway/Location: \_\_\_\_\_

Project Name: \_\_\_\_\_

1. Is the discharge in association with specific activities required to effect the containment, stabilization, or removal of hazardous or toxic waste materials?  

☐ Yes\*      ☐ No
2. Are the activities performed, ordered, or sponsored by a governmental agency with established legal or regulatory authority?  

☐ Yes\*      ☐ No
3. Are the activities the result of a court ordered remedial action plan or related settlement?  

☐ Yes\*      ☐ No
4. Are the activities proposed in a designated critical resource water or its adjacent wetlands?  

☐ Yes\*      ☐ No
5. Are the activities proposed for the establishment of new disposal sites or the expansion of existing sites used for the disposal of hazardous or toxic waste?  

☐ Yes      ☐ No
6. Are the activities undertaken entirely on a Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) site by authority of CERCLA as approved or required by EPA?  

☐ Yes<sup>1</sup>      ☐ No

7. Are all of the applicable NWP General and Regional Conditions satisfied, including, endangered species, and cultural resources, and if any Federally listed species and/or designated critical habitat occurs in the action area, have you made an effect determination and properly documented it in the administrative record?

☐ Yes      ☒ No

8. Does the discharge cause the loss of greater than 300 linear feet of streambed?

☒ Yes      ☐ No

TO QUALIFY FOR THE NWP, UNLESS OTHERWISE NOTED, EVERY NUMBERED ITEM MUST HAVE A CHECKED BOX.

\* - REQUIRES A PRE-CONSTRUCTION NOTIFICATION (PCN) TO THE DISTRICT ENGINEER.

**NOTE: THE PCN MUST ALSO INCLUDE A DELINEATION OF AFFECTED SPECIAL AQUATIC SITES, INCLUDING VEGETATED WETLANDS, VEGETATED SHALLOWS (submerged aquatic vegetation, seagrass beds) AND RIFFLE POOL COMPLEXES.**

**IN ADDITION, The PCN MUST INCLUDE THE FOLLOWING:**

- Documentation that the specific activities are required to effect the containment, stabilization, or removal of hazardous or toxic waste materials as performed, ordered, or sponsored by a government agency with established legal or regulatory authority;
- A narrative description indicating the size and location of the areas to be restored, the work involved and a description of the anticipated results from the restoration;
- A plan for the monitoring, operation, or maintenance of the restored area.

<sup>1</sup> - Activities undertaken entirely on a Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) site by authority of CERCLA as approved or required by EPA, do not require permits under Section 404 of the Clean Water Act or Section 10 of the Rivers and Harbors Act.